

AO 91 (Rev. 11/11) Criminal Complaint

Clerk, U.S. District Court  
Southern District of Texas  
FILED

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

DEC 18 2015

David J. Bradley, Clerk of Court

United States of America

v.

Reynaldo RAMIREZ

Case No.

C-15-1762M

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 8, 2015 in the county of Nueces in the  
Southern District of Texas, the defendant(s) violated:

## Code Section

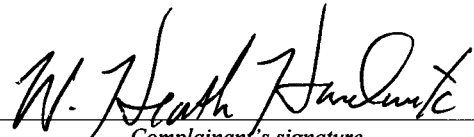
18 USC 2252A (a)(2)

## Offense Description

Any person who knowingly receives or distributes - any child pornography that has been mailed, or using any means or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.

This criminal complaint is based on these facts:

See attached document titled, "AFFIDAVIT"

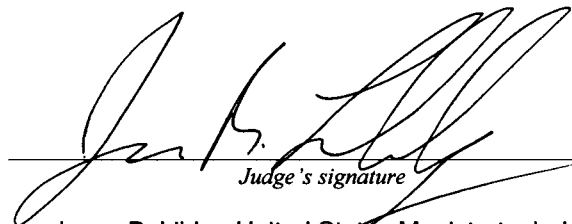
☒ Continued on the attached sheet.


Complainant's signature

W. Heath Hardwick, HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/18/2015City and state: Corpus Christi, Texas


Judge's signature

Jason B. Libby, United States Magistrate Judge

Printed name and title

## **AFFIDAVIT**

I am a Special Agent with the United States Department of Homeland Security, Homeland Security Investigations (HSI), currently assigned to the Assistant Special Agent in Charge office in Corpus Christi, Texas. I have been employed in this agency since February of 2003, and my responsibilities include investigating criminal violations related to offenses committed against the United States including but not limited to, child exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt, and possession of child pornography in violation of Title 18, United States Code, § 2252A(a)(2). I have also received training in the area of child exploitation and child pornography with regard to violations of Title 18 United States Codes Sections 2252, 2252A, and 2242.

I am familiar with the information contained in this affidavit based upon the investigation I have conducted and based on my conversations with other law enforcement officers involved in this investigation, or who have engaged in numerous investigations involving child sexual exploitation.

The facts in this affidavit come from my personal observations, my training and experience and information obtained from other officers, agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the criminal charges being described below in this matter. Based on my training, experience, and the facts set forth in this affidavit, there is probable cause to believe that violations of 18 United States Code 2252 (Possession and Distribution of Child Pornography) have been committed by Reynaldo RAMIREZ.

### **PROBABLE CAUSE**

On November 8, 2015, a Corpus Christi Police Department Detective was conducting an online investigation of the file sharing program "Ares", which is utilized by multiple computer users to share files over a network. On the above date, the Detective identified a computer with Internet Protocol (IP) address of 72.176.90.44 as a potential source of at least two (2) files of known images of child pornography.

On November 8, 2015, between 1050 and 1107 hours, the Detective successfully completed the download of one file that the computer with IP address 72.176.90.44 had made available for sharing. The suspect file downloaded from the IP address was identified as "!(~pthc center~)(opva soft)(2014)(cutie 4 yr girl before bath(2).avi". The file contained a video of a female child approximately 4 years of age wearing a bathing suit. In the video the child removes the bathing suit exposing her vagina to the camera and then begins to touching herself on her chest and doing so in a sexually suggestive manner and suggesting sexual coyness of the 4 year old child, therefore depicting an image of child pornography.

A query of the IP address 72.176.90.44 was conducted through the American Registry for Internet Numbers (ARIN). The Detective received information that the IP address 72.176.90.44 was registered to Time Warner Cable LLC.

A Subpoena to Time Warner Cable was submitted to determine the customer information for the above IP address on November 8, 2015, between 1050 and 1107 hours. Time Warner Cable identified the customer of the above IP address on the specified date/time as Reynaldo RAMIREZ, residing at a residence in Corpus Christi, Texas. Time Warner Cable further identified RAMIREZ as having service with

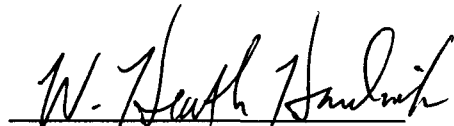
the company since September 10, 2015. The Detective was able to confirm the address provided by Time Warner Cable to the address RAMIREZ resided at through police database searches as well as surveillance of RAMIREZ at the same address.

On December 16, 2015, the Corpus Christi Police Department executed a search warrant at the residence of Reynaldo RAMIREZ in Corpus Christi, Texas. When RAMIREZ was encountered at his residence, he agreed to be interviewed at the police department. While at the residence, RAMIREZ stated he wanted to speak to the officers because he knew why the police were searching his residence and further stated he wanted to "talk about something I have been dealing with".

RAMIREZ was interviewed at the Corpus Christi Police Department and gave a statement after he had been advised of his rights. During the interview, RAMIREZ stated he had an addiction to child pornography and had been looking at and downloading images of child pornography for the past 6 years. RAMIREZ identified file sharing programs (including "Ares") that he was able to download child pornography from. RAMIREZ further estimated that he has downloaded over 1,000 images of child pornography ranging in ages from toddlers to pre-teens of children under the age of 18. RAMIREZ stated a computer in his residence would contain "a couple hundred" images of child pornography as well as deleted images of child pornography. RAMIREZ also stated that the images of child pornography on his computer would be of children range between 5-13 years of age.

During the search of RAMIREZ' residence, officers located a Santa Claus costume in a closet along with numerous packages covered in Christmas wrapping paper in his house. When questioned about the Santa Claus costume, RAMIREZ stated he has performed as Santa Claus for the past 15 years. RAMIREZ further stated he was scheduled to perform as Santa Claus at four separate locations throughout the South Texas area during the weekend of December 19 and had other performances booked for the month of December.

During an on-scene preview of RAMIREZ' desktop computer at his residence, computer forensics specialists located numerous files titled and indicative of containing images of child pornography. Computer Forensic specialists also located numerous search terms used to search for files indicative of child pornography.

  
W. Heath Hardwick, Special Agent  
Homeland Security Investigations

Sworn to and subscribed before me this 18 day of December, 2015.

  
Jason B. Libby  
United States Magistrate Judge